

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA      )  
                                      )  
                                      )  
V.                                 )      Case No. 7:23-cr-00047  
                                      )  
                                      )  
DAMON TYLER MILLS,            )  
Defendant.                        )

**MOTION FOR EARLY DISCLOSURE OF WITNESS STATEMENTS  
AND JENCK'S ACT MATERIAL**

The Defendant respectfully requests the Court pursuant to Federal Rule of Criminal Procedure 26.2 and 18 U.S.C. Section 3500 (The Jencks Act) to require the prosecution to provide the Defendant and his counsel any statements of the witnesses that the Government calls or intends to call to testify at trial.

As used in this motion, the word “statement” has the meaning provided in Rule 26.2(f) of the Federal Rules of Criminal Procedure and 18 U.S.C. Section 3500(e).

The Defendant further moves for production of Jencks’ Act material and Rule 26.2 material as soon as possible and prior to trial. The Jencks Act and Rule 26.2 clearly do not require that the statement of a government witness be produced for the use of a defendant until the witness has testified. United States v. Lewis, 35 F.3d

148, 151 (4<sup>th</sup> Cir. 1994). However, as the Fourth Circuit has stated:

Many times, however, in cases where there are many statements or where the bulk of witness statements is large, the government will agree, or it may even be ordered, to deliver material at an earlier time so as to avoid lengthy delays before the beginning of cross-examination. This accommodation is often made because of the requirement of the Act, 18 U.S.C. § 3500(c), that whenever any statement is delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statement by said defendant and his preparation for its use in the trial. Thus the Jencks Act contemplates not only the furnishing of the statement of a witness but a reasonable opportunity to examine it and prepare for its use in the trial.

United States v. Holmes, 722 F.2d 37 (4<sup>th</sup> Cir. 1983). But see, Lewis, 35 F.3d 148 at 150-51.

Furthermore, an order regarding the dissemination and photo-copying of any grand jury materials will likely be entered to avoid any possible issues that might arise under Rule 6 of the Federal Rules of Criminal Procedure.

For these reasons, the Defendant respectfully requests that the government be directed to provide the witness statements under the Jenck's Act and Rule 26.2 as soon as possible and prior to trial.

Respectfully submitted,  
Damon Tyler Mills

By: s/Anthony F. Anderson

Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that this 10<sup>th</sup> day of March 2025, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

*s/Anthony F. Anderson*  
Counsel for Defendant